IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 37289 of 2007(L)

AS.53/2007 of PRINCIPAL SUB COURT,ATTINGAL
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PETITIONER:

SHAMSUDEEN, S/O. MOHAMMED MUSTHAFA,
AGED 54, EDAVILAKATHU VEEDU, KADANVILA DESOM,
AYOOR VILLAGE, NOW RESIDING AT AT TC 19/303 (4),
VATTAVILA, THIRUMALA, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:
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1. **RAHIANATH BEEVI, AGED 70,**
   W/O. MOHAMAD HANEEFA, THITTAYIL VEEDU,MADANVILA,
   PERUMATHEM, AYOOR VILLAGE, THIRUVANANTHAPURAM.

2. **SHAJAHAN, AGED 40,**
   S/O. MOHAMAD ABOOBACKER, THITTAYIL VEEDU,
   MADAN VILA, PERUMATHEM, AYOOR VILLAGE.

3. **TAHSILDAR,**
   CHIRAYINKEEZH TALUK, ATTINGAL P.O.,
   THIRUVANANTHAPURAM.

4. **THE DIRECTOR,**
   SURVEY OFFICE, VAZHUTHACAUD, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. R. BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.37289 OF 2007

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Dated this the 17th day of December 2007

JUDGMENT

This writ petition is filed for a direction to the 4th respondent to submit the corrected resurvey plan to the 3rd respondent without waiting for the disposal of the appeal and for a further direction to dispose of A.S.No.53 of 2007 pending before the Sub Court, Attingal without any delay. So far as the first prayer is concerned, the subject matter is pending in appeal before a competent civil court and it may not be proper for this court at this stage to direct the 4th respondent to submit the corrected resurvey plan. So far as the second prayer is concerned, the appeal is of the year 2007. The courts are disposing of matters on the basis of the year bar pendency and it may not be correct on the part of this Court at this stage to direct the court to take up the matter and dispose it of. But, at the same time the court where the matter is pending know its workload.

Therefore, I direct the petitioner herein to file an application for an early hearing and the court below is directed to consider it after hearing both sides bearing in mind the real urgency expressed by the petitioner

herein.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-